

**REMARKS**

Claims 27 through 61 are pending in this application by filing this Amendment.

The examiner requires Applicant to restrict between Group I, the apparatus defined by claims 1 through 26 classified in class 99, subclass 325 and Group II, the method defined by claims 27 through 35 classified in class 426, subclass 233.

Applicant provisionally elects, with traverse, Group II. Applicant traverses this requirement because there is no serious burden on the examiner.

As stipulated in MPEP §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent or distinct as claimed; and
- (B) There must be a serious burden on the examiner if restriction is required.

If the search can be made without serious burden, the examiner must examine it on the merits.

Here, there is no serious burden on the examiner because the examination of Group I together with Group II does not pose a significant search burden on the Examiner. Specifically, although the search required for Group I is not required for Group II, any references describing the method of Group II as recited in claim 27 will inherently describe the apparatus. That is, the reference found during the examination of Group II also relates to the apparatus described in Group I.

Therefore, the restriction requirement is submitted to be improper because of the above reason.

In the Examiner's point 5, the Examiner stated that a telephone call was made on June 5, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made. However, we have spoken to the Examiner and orally elected Group II, with traverse on June 12, 2002.

No fees are incurred by filing this Amendment.

In view of the forgoing election, this response is believed to be a complete response to the requirement for restriction. Should questions remain unresolved, the Examiner is requested to telephone the Applicant's attorney.

Respectfully submitted,

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Please cancel claims 1 through 26 without prejudice or disclaimer, and kindly add new claims 36 through 61 as listed above.